

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alex Tuminello	Team: Team # 3	CCRB Case #: 201412508	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 03/07/2014 8:36 PM	Location of Incident: Inside of § 87(2)(b)	Precinct: 120	18 Mo. SOL 9/7/2015	EO SOL 9/7/2015	
Date/Time CV Reported Wed, 12/17/2014 2:49 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 12/17/2014 2:49 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Geovani Sanchez	23649	946215	120 PCT
2. POM John Wilkinson	20338	952343	120 PCT
3. LT Bekim Kalicovic	00000	936834	120 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Michael Lenge	00110	924068	120 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Bekim Kalicovic	Abuse: Lt. Bekim Kalicovic authorized the entry and search of § 87(2)(b) in Staten Island.	
B.LT Bekim Kalicovic	Abuse: Lt. Bekim Kalicovic supervised the detainment of § 87(2)(b) and an individual.	
C.LT Bekim Kalicovic	Force: Lt. Bekim Kalicovic used a chokehold against § 87(2)(b)	
D.POM Geovani Sanchez	Force: PO Geovani Sanchez used physical force against § 87(2)(b)	
E.POM John Wilkinson	Force: PO John Wilkinson used physical force against § 87(2)(b)	
F.LT Bekim Kalicovic	Force: Lt. Bekim Kalicovic pointed his gun at § 87(2)(b)	
G.LT Bekim Kalicovic	Abuse: Lt. Bekim Kalicovic threatened § 87(2)(b) with the use of force.	
H.LT Bekim Kalicovic	Off. Language: Lt. Bekim Kalicovic made remarks to § 87(2)(b) based upon race.	
I.LT Bekim Kalicovic	Abuse: Lt. Bekim Kalicovic supervised the search of § 87(2)(b) in Staten Island.	

Case Summary

On December 17, 2014, the undersigned investigator interviewed § 87(2)(b) over the phone at the Ulster Correctional Facility in regards to CCRB Case no. 201409429. At the conclusion of this interview, he requested to file a complaint in regards to an incident from March 7, 2014.

On March 7, 2014, at approximately 8 p.m., § 87(2)(b) was involved in a verbal dispute with his girlfriend § 87(2)(b) inside of § 87(2)(b) in Staten Island. § 87(2)(b) then exited the location and walked approximately six to seven houses down to § 87(2)(b). He stated that his friend § 87(2)(b) lives at the location and a man that went by the moniker “§ 87(2)(b)” was also present but he did not live there. After being at the location for approximately 20 to 30 minutes, he overheard knocking coming from § 87(2)(b) bedroom door. § 87(2)(b) instructed him not to open the door because he feared that § 87(2)(b) had sent over one of her friends to talk to him. The knocking lasted approximately two minutes before the door was kicked opened by an officer that § 87(2)(b) could not identify. Eight to twelve officers from the 120th Precinct then allegedly entered the location (**Allegation A**). The investigation was able to place four officers at the incident location. § 87(2)(b) stated that the officers handcuffed § 87(2)(b) and an unidentified individual that he referred to as “§ 87(2)(b)” (**Allegation B**). Lt. Bekim Kalicovic who was a sergeant at the time of this incident, approached § 87(2)(b) as he was standing near a bed and allegedly grabbed around his neck with two hands and allegedly slammed him onto the bed and he landed on his stomach (**Allegation C**). PO Geovani Sanchez and PO John Wilkinson then entered the bedroom and allegedly punched § 87(2)(b) in the back of his head and on the left side of his face (**Allegation D and E**). § 87(2)(b) was then placed in handcuffs and Lt. Kalicovic allegedly took out his gun and applied it to § 87(2)(b)'s glasses in order to lift them. Lt. Kalicovic allegedly stated, “I should shoot your black ass in the head right now. Where is your gun at?” (**Allegations F, G and H**). § 87(2)(b) alleged that Lt. Kalicovic, PO Sanchez and PO Wilkinson then lifted up the mattress off the bed and located a crack-pipe and marijuana (**Allegation I**).

Mediation, Civil and Criminal Histories

- This case was ineligible for mediation because § 87(2)(b) was arrested in regards to this incident.
- On March 16, 2015, a Notice of Claim Inquiry was sent to the NYC Comptroller’s Office. The response will be added to the case file upon its receipt (Encl. 18A).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- § 87(2)(b); §§ 86(1)(3)&(4); § 87(2)(c)
[REDACTED]

Civilian and Officer Histories

- § 87(2)(b)
[REDACTED]
- § 87(2)(b)
[REDACTED]
- Lt. Kalicovic has been a member of the NYPD for 10 years and has had 19 previous CCRB allegations regarding 7 cases. In CCRB case no. 201402580, Lt. Kalicovic held the rank of sergeant and he was substantiated for three premises entered and searched allegations, physical force and two discourtesies. The board recommended charges and

command discipline in regards to the substantiated allegations. The NYPD disposition is not available (Encl. 2A-2B).

- PO Sanchez has been a member of the NYPD for 7 years and has had 3 previous CCRB allegations involving 2 cases with no substantiated allegations. A discourtesy allegation has been pled against PO Sanchez in CCRB Case no. 201410139 and the case is still pending review by the board (Encl. 2C).
- PO Wilkinson has been a member of the NYPD for 3 years and this is the first CCRB complaint filed against him (Encl. 2D).

Potential Issues

- On December 17, 2014, the undersigned investigator interviewed § 87(2)(b) over the phone at the § 87(2)(b), N.Y. in regards to CCRB Case no. 201409429. Following the interview, § 87(2)(b) filed the current complaint in regards to his arrest on § 87(2)(b).
- Between February 6, 2015 and March 6, 2015, the undersigned investigator contacted § 87(2)(b) five times via telephone and each call rang continuously. A voicemail was unable to be left. On February 6, 2015 and February 9, 2015, please call letters were mailed to § 87(2)(b) and none of these letters were returned to the CCRB via USPS.
- Between January 8, 2015 and January 30, 2015, the undersigned investigator attempted to contact § 87(2)(b) five times each on two phone numbers obtained through Lexis Nexis database and the Staten Island Cole Directory. A voicemail was unable to be left on each number. On January 8, 2015 and January 28, 2015, please call letters were mailed to § 87(2)(b) and none of these letters were returned to the CCRB via USPS.
- On January 8, 2015, a Lexis Nexis database search was conducted on behalf of the undersigned investigator. The search provided no information pertaining to a man that went by the moniker '§ 87(2)(b)'.
- According to NYPD's Military Extended Leave Desk, PO Wilkinson is currently on military leave. PO Wilkinson's testimony would not have impacted the recommended dispositons. On February 25, 2015, a request was sent to MELD in regards to the potential return date of PO Wilkinson. As of the date of this report, a response to this request has not been received.

NYPD Documents

- According to arrest report number § 87(2)(b) PO Sanchez reported that on March 7, 2014, at approximately 8:36 p.m., § 87(2)(b) stated that § 87(2)(b) did break property inside of her apartment and left before the police arrived. Once the police left the location, § 87(2)(b) did come back and began to pull on her jacket while she was holding her child causing the jacket to rip. § 87(2)(b) then pulled out a silver handgun and threatened to shoot § 87(2)(b) then went inside of § 87(2)(b) in Staten Island where he was apprehended and no firearm was recovered. § 87(2)(b) was also found in possession of a crack-pipe with residue and marijuana inside of a tobacco leaf that was left out in the open inside of the apartment (Encl. 6A-6C).
- § 87(2)(b) (Encl. 6D-6E).
- § 87(2)(b)'s arrest photograph indicates no visible injuries (Encl. 5C).
- Event summary number § 87(2)(b) from March 7, 2014 indicates that at approximately 7:58 p.m., a family dispute with a firearm occurred at § 87(2)(b) in

Staten Island. A female caller stated that her child's father came at her with a gun. Sector M responded to the location (Encl. 14A-14G).

- The 120th Precinct's Tour 3 Command Log from March 7, 2014 indicates that at approximately 8:43 p.m., § 87(2)(b) was logged into the stationhouse by PO Sanchez. His physical and mental condition is listed as apparently normal. It is indicated that § 87(2)(b) did not have visible injuries (Encl. 15A).
- The 120th Precinct's Tour 3 Roll Call from March 7, 2014 indicates that Sgt. Kalicovic was working as the patrol supervisor, PO Michael Lenge was his operator. PO Sanchez and PO Wilkinson were assigned to patrol sectors M and N (Encl. 16A-16M).

Findings and Recommendations

Allegations Not Pleaded

- **Abuse of Authority- Frisk:** § 87(2)(b) alleged that upon being placed in handcuffs, he was frisked twice by Lt. Kalicovic and another officer. Given the fact that both frisks occurred after he was placed under arrest, the investigation is not pleading a frisk allegation in this case.

Explanation of Subject Officer Identification

- All of the officers interviewed in regards to this case stated that they arrived at the 48 Alaska Street in response to a dispute with a firearm. Lt. Kalicovic stated that upon arriving at § 87(2)(b), he observed § 87(2)(b) standing down the street waving at the officers. All of the officers testified that § 87(2)(b) explained that she observed § 87(2)(b) run into § 87(2)(b) in Staten Island. While inside of the location, § 87(2)(b) alleged that officers handcuffed § 87(2)(b) and "§ 87(2)(b) he also alleged that officers lifted up a mattress in the bedroom and located a crack-pipe and marijuana. PO Sanchez and Lt. Kalicovic both stated that they entered the location on the date of the incident. Lt. Kalicovic and PO Lenge also stated that PO Wilkinson was also present for the entry while PO Lenge remained outside with § 87(2)(b). Due to the fact that Lt. Kalicovic was the supervisor at the incident location when the officers arrived, **Allegation A, B and H** are being pled against Lt. Kalicovic.
- § 87(2)(b) alleged that an officer he described as a white male, 6'3" tall, brown hair, athletic build, 38 to 40 years old and in uniform grabbed around his neck with two hands and slammed him onto a bed. The physical description provided by § 87(2)(b) matches the pedigree information of Lt. Kalicovic. He then stated that approximately three other officers entered the room and punched him in the back of the head and the left side of the head. The investigation also determined that PO Sanchez and PO Wilkinson were present during the apprehension of § 87(2)(b). As a result, **Allegations B, C, and D** are being pled against Lt. Kalicovic, PO Sanchez and PO Wilkinson.
- § 87(2)(b) alleged that an officer identified by the investigation as Lt. Kalicovic, took out his gun, applied it to his head and stated, "I should shoot your back ass in the head right now, where is your gun at?" The investigation determined that Lt. Kalicovic most closely fits the pedigree description provided by § 87(2)(b). As a result, **Allegations E, F and G** are being pled against Lt. Kalicovic.

Recommendations

Allegation A: Abuse of Authority- Lt. Bekim Kalicovic authorized the entry and search of § 87(2)(b) in Staten Island.

It is undisputed that officers from the 120th Precinct entered § 87(2)(b) in Staten Island upon receiving a call in regards to a dispute with a firearm. § 87(2)(b) stated that his friend § 87(2)(b) lived at the location and a man named “§ 87(2)(b)” was also at the location on the date of the incident. § 87(2)(b) travelled to the location after being involved in a verbal dispute with § 87(2)(b) at § 87(2)(b) in Staten Island. After being at the location for approximately 20 to 30 minutes, § 87(2)(b) heard knocking coming from § 87(2)(b) bedroom door. He instructed § 87(2)(b) not to open the door because he feared that § 87(2)(b) had sent over one of her friends to talk to him. The knocking on the door lasted for approximately two minutes before the door was opened and eight to twelve officers entered the location.

Lt. Kalicovic stated that on the date of the incident, he and PO Lenge arrived at § 87(2)(b) and met with § 87(2)(b) who stated that her boyfriend, § 87(2)(b) had assaulted her. Lt. Kalicovic ran the address for any domestic violence history. He located several complaints for the location and stated that he was able to see that § 87(2)(b) had a “violent history.” § 87(2)(b) and Lt. Kalicovic told § 87(2)(b) to call back if § 87(2)(b) arrived at the location. The officers then received a call to be redirected back to the location. Event summary number § 87(2)(b) from March 7, 2014 indicates that at approximately 7:58 p.m., a family dispute with a firearm occurred at the home of § 87(2)(b). She stated that § 87(2)(b) came at her with a gun. Lt. Kalicovic stated that he and PO Lenge returned to the location and were met by PO Sanchez and PO Wilkinson. The officers observed § 87(2)(b) standing down the street and waving at them from § 87(2)(b). She explained to the officers that after they left, § 87(2)(b) came back and was angry that she had called the police. § 87(2)(b) grabbed her jacket as she was holding their baby, took out a silver handgun, pointed it at her head and stated that he would kill her. She stated that she observed him run down to § 87(2)(b) and stated that he was in the back apartment located down the driveway. She also provided a physical description of § 87(2)(b) and described what he was wearing. Lt. Kalicovic then canvassed the area and observed movement from several individuals inside of the location. Lt. Kalicovic then knocked on the door of the location and stated “Police” several times. § 87(2)(b) then opened the door and stated that he was the only one at the location. Lt. Kalicovic explained the situation to § 87(2)(b) and warned § 87(2)(b) that he would have officers hold the premises and call ESU in regards to a barricaded prisoner. § 87(2)(b) stated that he had nothing to do with the situation and Lt. Kalicovic explained, “If he is here let me know he is in here.” § 87(2)(b) stated that § 87(2)(b) was in the back bedroom and pointed to the room. Lt. Kalicovic, PO Sanchez and PO Wilkinson then entered the location while PO Lenge remained outside with § 87(2)(b).

The following factors must be considered in determining whether exigent circumstances exist so as to permit the warrantless entry into a person’s home, the gravity of the offense charged, whether there is reason to believe that the suspect is armed, whether there is reasonably trustworthy information to believe that the suspect committed the crime, whether there is a strong reason to believe that the suspect is in the premises entered and the likelihood that the suspect will escape if not quickly apprehended. *People v. Bossett*, 124 A.D. 2d 740 (1986) (Encl. 1A-1B).

It is undisputed that officers received multiple calls in regards to the location on the date of the incident. § 87(2)(g)

§ 87(2)(g)

Allegation B: Abuse of Authority- Lt. Bekim Kalicovic supervised the detainment of § 87(2)(b) and an individual.

§ 87(2)(b) alleged that during the officers' entry inside of the location on the date of the incident, he observed § 87(2)(b) and "§ 87(2)(b) in handcuffs. He also alleged that when he was taken out of the location, the officers removed the handcuffs from § 87(2)(b) and "§ 87(2)(b) and they remained at the location. While Lt. Kalicovic and PO Sanchez acknowledged that two men were inside of the location on the date of the incident, the officers did not acknowledge that these men were handcuffed at any point upon their entry into § 87(2)(b)

§ 87(2)(g)

Allegation C: Force- Lt. Bekim Kalicovic used a chokehold against § 87(2)(b)

Allegation D: Force- PO Geovani Sanchez used physical force against § 87(2)(b)

Allegation E: Force- PO John Wilkinson used physical force against § 87(2)(b)

§ 87(2)(b) alleged that after the officers entered § 87(2)(b) Lt. Kalicovic approached him while he was standing near a bed and grabbed his neck with two hands. He then slammed him onto the bed and he landed on his stomach. § 87(2)(b) stated that two other officers, PO Sanchez and PO Wilkinson entered the room and punched him in the back of the head and the left side of his head. The investigation was unable to obtain a statement from § 87(2)(b)

Lt. Kalicovic stated that when they did not observe § 87(2)(b) in the bedroom, they approached a closet door. Upon opening the door of a closet in the bedroom, the officers heard heavy breathing under clothes that were on the floor. The officers pulled off the clothes and used § 87(2)(b) physical description to positively identify him. The officers then ordered § 87(2)(b) out of the closet, but he did not move and was uncooperative. The officers then pulled § 87(2)(b) out of the closet by his arms and legs. § 87(2)(b) began to kick his legs and it took Lt. Kalicovic and PO Wilkinson approximately one minute to handcuff § 87(2)(b) PO Sanchez stated that he believed § 87(2)(b) was apprehended in a bathroom and stated that he was the officer that apprehended § 87(2)(b) He was unsure if force was used against § 87(2)(b) PO Sanchez and

Lt. Kalicovic stated that none of the officers grabbed § 87(2)(b)'s neck with two hands, slammed him on a bed or punched him in the back of his head or the left side of his head. PO Wilkinson was unable to be interviewed in regards to this investigation because he is currently on military leave. § 87(2)(b)'s arrest photograph does not indicate bruising or swelling to his neck or face.

§ 87(2)(g)

Allegation F: Abuse of Authority- Lt. Bekim Kalicovic pointed his gun at § 87(2)(b)

Allegation G: Abuse of Authority- Lt. Bekim Kalicovic threatened § 87(2)(b) with the use of force.

Allegation H: Offensive Language- Lt. Bekim Kalicovic made remarks to § 87(2)(b) based upon race.

§ 87(2)(b) alleged that upon being handcuffed, Lt. Kalicovic pointed his gun at § 87(2)(b)'s face. § 87(2)(b) alleged that the barrel was making contact with his face as Lt. Kalicovic allegedly lifted his glasses and stated, "I should shoot your black ass in the head right now where is your gun at?" Both Lt. Kalicovic and PO Sanchez stated that at no point on the date of the incident did any of the officers take out their weapon, apply it to § 87(2)(b)'s head and state, "I should shoot your black ass in the head right now, where is your gun at?" As previously mentioned, PO Wilkinson was unable to be interviewed in regards to this investigation and PO Lenge did not observe the apprehension of § 87(2)(b) because he remained outside with § 87(2)(b). The investigation was unable to obtain a statement from § 87(2)(b).

§ 87(2)(g)

Allegation I: Abuse of Authority- Lt. Bekim Kalicovic supervised the search of § 87(2)(b) in Staten Island.

§ 87(2)(b) alleged that upon being handcuffed, the officers lifted a mattress off of the bed and located a crack-pipe and a bag of marijuana. PO Sanchez stated that upon placing § 87(2)(b) in a bedroom, the officers located a crack-pipe and marijuana in plain-view. He was unsure where the items were specifically found in the bedroom but stated that he located the crack-pipe. Lt. Kalicovic stated that upon entering a bedroom and looking around, the officers did not spot § 87(2)(b). The officers then approached a closet and located § 87(2)(b) hiding under clothes in the closet. As the officers pulled § 87(2)(b) out of the closet, a Philly blunt and marijuana particles were located near where § 87(2)(b) was located in the closet. Lt. Kalicovic stated that these items either fell out of § 87(2)(b)'s pocket or he attempted to discard them. Both officers stated that at no point did any of the officers lift up a mattress in the bedroom and search under a bed. As previously mentioned, PO Wilkinson was unable to be interviewed in regards to this investigation.

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date